



DEPARTMENT OF ENVIRONMENTAL QUALITY

STEVEN E. CHESTER, DIRECTOR

**REPORT TO
ENVIRONMENTAL ADVISORY COUNCIL**

November 19, 2003

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I. AGENCY CONTACT

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II. PRINCIPAL PURPOSE OF THE ENVIRONMENTAL ADVISORY COUNCIL

The Environmental Advisory Council (EAC) was created in March 2003 by Director Steven E. Chester of the DEQ to advise the DEQ on its major programs and policies. The EAC consists of 25 members representing a wide range of interests affected by DEQ activities including citizen organizations, the regulated community, local government, academia, and others. The EAC was given an initial charge of advising the DEQ on how to improve the effectiveness of public involvement in DEQ activities. Other issues for consideration are generated by the EAC and through requests from the DEQ.

III. SUMMARY OF RECOMMENDATIONS DISTRIBUTED FOR PUBLIC COMMENT

The EAC developed [Draft Recommendations](#) ("Recommendations") on how to improve public involvement in DEQ activities and sought public comment on those Recommendations. The EAC Recommendations are centered on the culture of public involvement within the DEQ and the timing and opportunity for public involvement within various departmental processes. The public comment period associated with the Recommendations was September 2 through October 31, 2003.

IV. DISTRIBUTION METHODS USED FOR THE RECOMMENDATIONS

A. The Recommendations were posted on the DEQ web site on September 2, 2003.

B. A notice requesting public comment was electronically submitted to the following DEQ listserves on September 2 and 3, 2003:

- DEQ Air Quality Operation
- DEQ Air Quality Report
- DEQ Air Quality Rules
- DEQ Bulletin
- DEQ Calendar
- DEQ Household Hazardous Waste Collection
- DEQ Leaking Underground Storage Tank
- DEQ Press Release
- DEQ Michigan Manufacturers Guide to Environmental, Safety, and Health Regulations
- DEQ Pollution Prevention Technical Assistance Providers Group
- Environmental Sciences Board
- Michigan Association of Chiefs of Police
- Office of the Great Lakes
- Remediation and Redevelopment Division
- Storage Tank

C. A notice was posted on the Enviromich Listserv on September 2, 2003.

- D. A press release announcing the Recommendations and requesting comment was published on September 2, 2003.
- E. EAC members were provided an electronic version of the Recommendations on September 2, 2003, and asked to distribute the Recommendations to their constituencies.
- F. The Recommendations were emailed to all DEQ staff on September 3, 2003.
- G. The notice of request for public comment was published in the DEQ Calendar on September 8, 2003.
- H. A hard copy of the Recommendations was mailed to persons on the DEQ Calendar mailing list who receive hard copies, rather than electronic copies of the Calendar.

V. PERSONS WHO SUBMITTED LETTERS OR COMMENTS

COMMENTS	NAME	AFFILIATION
1	Jon Brunner	Shepherd Caster Corporation
2	Van W. Snider, Jr.	Michigan Boating Industries Association
3	Dave Bee, AICP	West Michigan Regional Planning Commission
4	Bill Taylor	Self
5	Tim Letourneau, P.E.	Michigan Section American Water Works Association
6	Frank L. Mortl	Michigan Oil and Gas Association
7	Robert Pestronk, M.P.H.	Genesee County Health Department
8	Carol McGeehan	Self
9	Billie L. Dowell	Self
10	Cheryl L. Neades	IMA-DTA Environmental Management Office
11	Dr. Maria K. Lapinski-LaFaive	Self
12	James P. Shannon, P.E.	AAC Trinity, Inc. of Farmington Hills
13	Tim Krockta	Self
14	David Schwinn	Small Business & Technology Development Center, LCC
15	Jeff Dauphin	Waste Information & Management Services
16	Ann Nowak-Lawler	Deluxe Stamping & Die Co.
17	W. Scott Redman	CPI Products, Inc.
18	John R. Hines	Avon Rubber & Plastics, Inc.
19	Kathy Fraser	Oakland County Drain Commissioner's Office
20	David Carpenter	Self
21	Charles M. Denton	Self
22	Shannon Cox	Interface Fabrics Group
23	Judy N. Visscher	Holland Board of Public Works

COMMENTS	NAME	AFFILIATION
24	Jeffrey L. Ebsch, P.E., C.P.	U.P. Engineers & Architects, Inc.
25	Chuck Hersey	Southeast Michigan Council of Governments
26	John Caufield	Self
27	Patty O'Donnell	Self
28	Mary Jo Durivage	Self
29	Anthony Harby	Self
30	Douglas Meeusen	Self
31	Ralph E. Williams	Self
32	Ronald J. Imby	UAW/GM
33	Barbara Goryca	Self
34	James Meenahan	Environmental and Energy Consultants
35	Tom Stephens	Self
36	M. Christina Sullivan	Dearborn-Dearborn Heights League of Women Voters
37	Connie Ferguson	Self
38	Susan Vignoe	Charter Township of Plymouth, DPS
39	Philip Sanzica	Rouge Watershed Main 1-2 Communities
40	John V. Stone	Institute for Food and Agricultural Standards
41	Anne Magoun	League of Women Voters of Michigan
42	Michael Johnston	Michigan Manufacturer's Association
43	Andrea Miller	Campbell Company
44	Kristine Krause	WE Energies
45	Lisa Goldstein	Southwest Detroit Environmental Vision
46	Mark Richardson	Macomb County
47	Anne M. Woiwode	Sierra Club Mackinac Chapter
48	Ruth E. Munzel	Self
49	Don Martz	Environmental Permit Specialists, LLC
50	DEQ-1	MDEQ
51	DEQ-2	MDEQ
52	DEQ-3	MDEQ
53	DEQ-4	MDEQ
54	DEQ-5	MDEQ
55	DEQ-6	MDEQ
56	DEQ-7	MDEQ
57	DEQ-8	MDEQ
58	DEQ-9	MDEQ
59	Janet Person	Antrium Conservation District

VI. SUMMARY OF COMMENTS, DEQ PERSPECTIVE AND ACTIONS REQUIRED

The EAC received submittals from 59 commenters resulting in over 230 individual comments. In general, the majority of the comments supported the EAC Recommendations. The DEQ summarized the comments and offered perspectives on them. Attached to this report is a listing of all submittals and DEQ perspectives, organized by EAC Recommendation Number. This information is summarized below.

A. Comments Unrelated to Specific EAC Recommendations.

1. **General Comments:** In general, supported the Recommendations of the EAC and the DEQ's efforts to improve public involvement in its activities.

DEQ Perspective: *The DEQ appreciates the public's recognition of the hard work of the EAC in developing the Recommendations and the DEQ's efforts to increase public involvement in its activities.*

2. **Comments on Overall Approach:** Suggested refinements to the definition of "public" contained in the Recommendations. Noted that several terms are used interchangeably to refer to people the DEQ interacts with. Suggested that the Recommendations should use mandatory language in describing actions for the DEQ to undertake. Opined that the EAC's Recommendations constituted administrative rules. Suggested the DEQ consider federal guidance on public involvement activities. Recommended that specific reference be made to the DEQ's responsibility to prevent pollution, impairment or destruction of the environment. Proposed that public comment needs to be limited to opinions based on science.

One particular comment focused extensively on the philosophical underpinnings of the EAC's Recommendations. While supportive of the EAC's Recommendations generally, this comment suggested the need to address these underlying issues in the long-term.

DEQ Perspective: *After due consideration, the DEQ has concluded that the definition of "public" contained in the Recommendations does not require modification. It is properly defined to include anyone who has an interest in, or is affected by, DEQ activities. Specific subgroups should not be singled out. The DEQ agrees that the Recommendations should carefully attend to the use of subsidiary terms (e.g., "potentially affected populations") and will work with the EAC to refine the Recommendations as necessary. The DEQ disputes that the EAC's Recommendations must use mandatory terms. The EAC is advisory, and the Implementation Plan will help define how the DEQ will implement the EAC's Recommendations. As an advisory body, the EAC's Recommendations do not constitute administrative rules under the Michigan Administrative Procedures Act. The DEQ is considering federal guidance on a program specific basis in the Implementation Plan. The DEQ supports the EAC's use of the term "quality of life" to refer to improving all aspects of life for Michigan citizens. This overarching phrase necessarily incorporates improving the quality of air, land, and water for all current and future Michigan citizens. The DEQ believes it would be inappropriate to limit public input to that based only on science. The public has individual perspectives that may be based on a variety of objective and subjective factors.*

The DEQ agrees with the comment that careful attention be paid to the concepts underlying public involvement in DEQ activities. The DEQ proposes that the EAC finalize its current Recommendations with a view to consideration of these concepts at a later date. This will allow the EAC and the DEQ to proceed with current improvements in public involvement while preserving the opportunity for an in-depth discussion and consideration of the fundamental issues raised by this commenter.

- 3. Comments on Citizen Bodies:** Suggested that the specific interests or organizations should be represented on the EAC. Questioned impartiality of EAC members and whether the EAC properly represented certain interests. Asked whether all members of the EAC supported the positive perspective of the Recommendations. Supported the concept of a citizen oversight board for DEQ activities.

DEQ Perspective: *DEQ Director Steven E. Chester appointed initial members to the EAC to represent a broad cross section of interests affected by DEQ activities. Members are appointed to rotating terms to allow broadening of representation over time. The potential for specific new members will be considered when new appointments are made in March 2004. The affiliations of EAC members are known to the DEQ and the public through postings of EAC membership, and EAC members serve as volunteer advisors only. All members of the EAC were free to express their opinions during development of the Recommendations. While members held different opinions on a variety of topics, the EAC agreed as a whole that the Recommendations were the appropriate way to present the issues for consideration by the public and the DEQ. The EAC is considering whether a citizen board with different functions would be beneficial, and recommendations will be made at a later date.*

- 4. Comments on Specific Issues:** Raised concerns about specific programs, decisions, or activities of the DEQ.

DEQ Perspective: *These comments do not relate to the issue of public involvement in DEQ activities, which is the subject of this comment opportunity. These specific issues have been referred to the relevant DEQ divisions. To the extent that these comments implicated the DEQ's interactions with the public generally, they will be addressed in the Implementation Plan.*

B. Comments Pertaining to EAC Recommendations A 1 - 4, "The Culture of Public Involvement."

1. EAC Recommendation A 1.

"The DEQ should enhance its efforts to train staff on how to work with the public, communication skills, conflict resolution, and public meeting facilitation. The DEQ should also consider employing specialists who can bring experience and expertise to these activities."

Comments: Supported the concept of increased training for DEQ staff especially that related to improving communication skills. Did not support hiring public involvement specialists. Expressed concern about the cost of additional training.

DEQ Perspective: *Given budget constraints, the DEQ does not, at this time, intend to hire new staff or employ specialists as called for in the EAC Recommendations, but may consider the appropriateness of doing so at some later date. Rather, the focus will be on improving the skills of existing staff. Some specialized training may be offered for staff with a regular and important liaison role with the public. The DEQ agrees that funding for additional training will be difficult. The Implementation Plan will describe how the balance between training and limited resources will be struck.*

2. EAC Recommendation A 2.

“DEQ management should recognize the value of staff participation in a professional capacity as members of professional organizations and in environmental projects in their local communities. Staff should also feel enabled to be visible in their community in a personal capacity, keeping in mind the need to avoid conflicts of interests or inappropriate use of authority through their affiliation with the DEQ.”

Comments: Supported the EAC’s Recommendations about DEQ staff participation in professional organizations and community involvement. Several specific organizations were mentioned. Cautioned against inappropriate use of authority and conflicts of interest.

DEQ Perspective: *The DEQ agrees that a careful balance must be maintained between staff participation in professional organizations, as well as other activities tangential to specific work activities, and completing tasks directly associated with the DEQ’s responsibilities. The DEQ also agrees that staff should participate in their communities, but must be careful about mixing private and public roles. The Implementation Plan will speak to these issues.*

3. EAC Recommendation A 3.

“The DEQ should invest in developing and fostering awareness among its staff that there is value in bringing multiple perspectives to bear when examining an issue.”

Comments: Supported the concept of recognizing multiple perspectives. Recognized that there are a range of perspectives that cannot be categorized simply into business versus the environment. Identified specific organizations, including other state agencies that should be more involved in DEQ activities. Contrasted the multiple perspective approach with perceptions of the former DEQ approach. Sought a long-term approach to public involvement that will not swing with new administrations.

DEQ Perspective: *The DEQ strongly supports the concept of involving the full range of interests and opinions surrounding DEQ activities. Creating a system of public involvement that all facets of the public can support should minimize an interest in substantial shifts in public involvement policy. The DEQ hopes that future review by the EAC of DEQ actions to improve public involvement will result in an iterative process leading to such a system.*

4. EAC Recommendation A 4.

“The DEQ should encourage leadership development among its staff and foster interaction among emerging leaders in the DEQ and organizations involved in DEQ activities.”

Comments: None

C. Comments Pertaining to EAC Recommendations B 1 - 11, “Timing and Opportunity.”

1. EAC Recommendation B 1.

“Individual programs within the DEQ should review their decision-making processes to identify earlier opportunities for public involvement. This could include the potential for earlier notification of pending actions—such as the receipt of permit applications—and encouraging applicants to voluntarily involve the public as early in the process as feasible. The EAC recognizes that such early involvement mechanisms will not be appropriate or necessary for all decisions within a particular program. Individual programs should develop criteria to identify the types of decisions for which such mechanisms are appropriate.”

Comments: Generally supported the concept of early public involvement and indicated it was important to know of pending actions (as distinguished from proposed decisions), proposed new rules, and compliance/enforcement actions. Agreed with the role of applicants in facilitating early public involvement with some indicating that early outreach should not be required of applicants. Provided specific suggestions about how to provide early public involvement opportunities. Questioned the ability to conduct early involvement activities given limitations on funding and staffing.

DEQ Perspective: *The DEQ agrees that public involvement would be facilitated by earlier notification of pending DEQ activities to the public. The Implementation Plan will describe ways of encouraging earlier public outreach by applicants. Mandatory methods cannot be adopted without law or rule changes, which would necessarily involve an opportunity for comment by the public. The DEQ is mindful of the resources that will be necessary to facilitate early involvement. The Implementation Plan will describe how this balance will be struck.*

2. EAC Recommendation B 2.

“The DEQ should notify the public of pending actions or activities early enough to obtain and evaluate information, formulate and express opinions, options and suggestions prior to DEQ action.”

Comments: Questioned the effect of increased public involvement on timely decision-making by the DEQ. Noted the importance of setting and keeping reasonable time frames in the administrative process. Suggested establishment of a mechanism for overriding statutory time frames if necessary to allow public comment.

DEQ Perspective: *The DEQ agrees that both public involvement and timely decision-making are important. The Implementation Plan will include ways to improve public involvement within existing decision-making time frames. The DEQ believes that, for the most part, current statutory time frames need not hinder effective public involvement.*

3. EAC Recommendation B 3.

“The DEQ should review and improve its mechanisms for providing notice of pending decisions, including the feasibility of individual notice to citizens directly affected by significant site-specific permit decisions.”

Comments: Suggested a variety of mechanisms to better inform the public of pending DEQ activities. These included newspaper notice, other media, the Internet, information kiosks, press releases, and improvements to the DEQ Calendar. Requested special notice for specific groups. Both supported and opposed outreach to members of the public directly affected by a significant site-specific permit decision.

DEQ Perspective: *The DEQ appreciates the many suggestions contained in the comments. They will be evaluated for possible use in the Implementation Plan. One issue deserves special note: the interest expressed in the comments for more newspaper notice. The DEQ recognizes that existing legal notices are often ineffective and that not all members of the public communicate through electronic means. But, in general, use of the print media is expensive and still has limited reach. While the Implementation Plan will be a first attempt at improving public notice practices, there will need to be continuing efforts overall time as we learn of the cost effectiveness of various options. The Implementation Plan will also discuss proposals for providing notice to directly affect members of the public in certain instances.*

4. EAC Recommendation B 4.

“DEQ program managers should strive to provide meaningful public involvement opportunities appropriate for each situation considering the issues, locations, potential environmental and human health implications, potential for controversy, specific needs of the public and the DEQ, and the time frame for decision-making. For significant decisions, or when there is widespread public interest, the DEQ should use multiple approaches (e.g., meetings, hearings, workshops) for involving the public. The common element should be interaction between DEQ staff and the affected public.”

Comments: Supported public involvement in data gathering efforts. Suggested that the DEQ provide food at gatherings to increase participation. Suggested that the DEQ create an open public docket for all pending decisions. Suggested the DEQ develop a form to automate compilation of public comment. Expressed concern that improving public involvement practices will slow decision-making.

DEQ Perspective: *The DEQ supports direct, hands-on activities by the public, such as data gathering, in environmental protection. Despite its obvious appeal, the DEQ does not think it practical or consistent with its budget limitations to provide food at public gatherings on DEQ issues. Information that would be contained in a public docket is available through the Freedom of Information Act. It would be very difficult and expensive to create a public docket for all documents involved in every DEQ decision. It is however, occasionally done now for highly visible and controversial decisions. The DEQ recognizes the importance of improving public participation while maintaining timely decision-making. The Implementation Plan will attempt to strike this balance.*

5. EAC Recommendation B 5.

“The DEQ should provide policy, program, and technical information to the public at the earliest practicable times and throughout the decision-making process. This information should be provided to enable potentially affected or interested persons to make informed and constructive contributions to decision-making. The DEQ should cooperate with and support efforts to provide general training for citizens about how to participate in DEQ decision-making processes and basic primers on common permit-related issues such as those in the air and water quality programs. The DEQ should also develop and implement mechanisms to more effectively convey information about specific proposals before the DEQ. This information should include the facts of the proposal and the opportunities for individuals to participate in the decision-making process.”

Comments: Supported the concept of actions to help the public understand DEQ processes and decisions. Provided several suggestions for how to provide public education including better use of the Internet and workshops. Suggested that DEQ documents could be better written to be more understandable by the public. Noted that actions to provide information to the public will be expensive.

DEQ Perspective: *The DEQ supports efforts to increase public understanding of governmental actions. Suggestions made in the comments will be evaluated in the Implementation Plan. The DEQ agrees that our writing could be improved and this too will be addressed in the Implementation Plan, as will the need to strike a balance between the benefits and costs of this activity.*

6. EAC Recommendation B 6.

“The DEQ should enhance coordination and communication with local units of government. This could make efficient use of the resources of both the local unit of government and the DEQ in informing the public of proposals of local interest. The DEQ should provide early informal notification of local officials of controversial projects. Likewise, local government should be encouraged to provide early notice to the DEQ of projects that might be of interest to the DEQ. The DEQ should look for opportunities to provide general education for local officials on environmental topics, such as through training seminars sponsored by governmental associations.”

Comments: Supported efforts to better involve local government in DEQ activities and suggested a variety of actions to accomplish that purpose.

DEQ Perspective: *The DEQ agrees that better involving local governments in DEQ activities would be beneficial. Suggestions made in the comments will be evaluated in the Implementation Plan.*

7. EAC Recommendation B 7.

“The Internet provides an excellent opportunity to improve public participation. The DEQ should make its web page more user friendly so that people can find the information they need. In addition, the web site should be organized to facilitate public involvement on pending proposals and decisions. The DEQ should provide electronic forms on its website to allow the public to submit comments and observations for DEQ consideration/action.”

Comments: Uniformly indicated that the DEQ web site is difficult to navigate. Made suggestions for a variety of information to include on the web site. Examples include an electronic bulletin board on specific issues, Division “what’s new” pages, and posting of specific issues and projects.

DEQ Perspective: *The DEQ agrees that our web site needs to be improved. A team of DEQ and Department of Information Technology staff has been charged with improving the web site and making it more effective for use by the public. Specific suggestions for information to include on the web site will be forwarded to that team.*

8. EAC Recommendation B 8.

“To further facilitate public understanding and involvement, the DEQ should expand and improve current programs that assist citizens to navigate the DEQ decision-making process. While all DEQ employees have this responsibility to some extent, and should be responsive to citizens needing assistance, the DEQ should consider formalizing a citizen assistance function in some identifiable manner. This could be analogous to the small business assistance function.”

Comments: Supported efforts to provide direct assistance to the public in navigating the DEQ decision-making process. Made a variety of suggestion for how to provide this service, including a permit coordinator, an ombudsman, an 1-800 number, and providing a budget for involved citizens to hire a third party consultant.

DEQ Perspective: *The DEQ recognizes the importance of helping the public navigate our decision-making processes. The Implementation Plan will address this need.*

9. EAC Recommendation B 9.

“The DEQ should ensure that all segments of the public have fair and appropriate access to decision-makers within the DEQ and that no member of the public is favored over another.”

Comments: Supported fair treatment of all participants in the public involvement process. Described specific or general circumstances when this was not perceived to be the case, specifically that the DEQ is perceived to be biased toward project proponents or special interests. Indicated that the DEQ decisions must follow law, not emotion. Suggested the use of advisory groups to assist the DEQ. Voiced concern for timeliness of decisions.

DEQ Perspective: *The DEQ believes that all participants in the public involvement process should be treated fairly and have appropriate access. The DEQ recognizes that public perception is an important issue and has referred specific instances of problems in the public participation process to the involved Divisions. As an administrative agency, the DEQ agrees that our decisions must follow law in a balanced way to address the needs of all concerned parties, including the public. The DEQ uses advisory groups in a number of ways, and will continue to do so.*

10. EAC Recommendation B 10.

“The DEQ should inform concerned members of the public of the findings and rationale behind decisions. The nature of how this information is provided can be tailored to the nature of the decision, and the number and identity of concerned parties.”

Comments: Agreed that DEQ staff should be accountable to the public for decisions that are made. Indicated that accountability includes clear identification of the decision-maker, the criteria that will be used in the decision, and an explanation of the rationale behind decisions. Called for the decision-maker to be exposed to full input from the public. Suggested that the DEQ respond to all issues raised in public comment. Expressed concern that creating documentation for decisions will slow the decision-making process.

DEQ Perspective: *The DEQ agrees with the facets of accountability described. The Implementation Plan will describe ways to improve this aspect of our operations. The DEQ makes every effort to provide the decision-maker with all available information, including public comment received. However, decision-makers cannot personally witness or review each public comment; therefore some summary and synthesis is necessary. The DEQ attempts to make all decisions based on the law and facts before it. In doing so, we strive for principled decision-making and consistency. We agree that a written explanation of the basis for a decision would assist in meeting these interests and often provide such documents in significant or controversial cases.*

11. EAC Recommendation B 11.

“The DEQ should develop and implement a process for notifying the public of contested cases and proposed settlements in contested case proceedings.”

Comments: Questioned the need to provide additional notice of contested case proceedings. Suggested the use of the DEQ web page to provide notice of proceedings and proposed settlements.

DEQ Perspective: *The DEQ believes improving public information related to contested cases is appropriate. The Implementation Plan will provide specific actions to that end.*

D. Implementation of Recommendations.

“The DEQ should report to the EAC on its activities in response to these recommendations within one year. “

Comment: Noted the need to describe how the EAC Recommendations will be implemented. Raised questions as to how implementation will occur. Suggested specific means to implement the Recommendations (e.g., working committees to focus on specific topics). Noted that the DEQ’s response to the Recommendations must be consistent with administrative rules. Inquired of the Division Chiefs response to the Recommendations.

DEQ Perspective: *The DEQ agrees that implementation of the EAC's Recommendations is crucial and will develop an Implementation Plan in light of public comment on the Recommendations and in consultation with the EAC. It is expected that the Implementation Plan will be reviewed by the EAC before it finalizes its Recommendations in order to ensure all concerns are addressed. The DEQ understands that implementation needs to be in accordance with law. Some actions may require changes to law, but these will be noted in the Implementation Plan. The EAC consulted with the DEQ Division Chiefs in developing its Recommendations and Division Chiefs will have another opportunity to address the Recommendations in the context of the Implementation Plan.*

VII. NEXT STEPS

The EAC will begin consideration of public comments on their draft Recommendations on November 20, 2003. The DEQ will provide a draft Implementation Plan to the EAC for consideration on December 18, 2003. It is expected that the EAC will finalize its Recommendations in concert with its review and comment on the DEQ Implementation Plan so that the two documents provide a unified response to the needs for improving public involvement in DEQ activities. Final action on these documents is not expected until January or February 2004.

VIII. REPORT ACCURACY

This report represents a summary of public comment provided during the reporting period (September 2 through October 31, 2003) with a focus on capturing recommendations, concerns, and significant comments. Actual comment submittals will be maintained in the DEQ file.

Person responsible for accuracy of this report:

Frank Ruswick, EAC Facilitator

Date: _____

APPENDIX

Summary of Comments Submitted and DEQ Perspective

The comments are organized by groupings based upon EAC Recommendation or other topic corresponding to the summary in the Report. Similar comments to which the Department of Environmental Quality (DEQ) has the same response are grouped together with the DEQ perspective placed immediately after the grouping.

Comments Unrelated to Specific EAC Recommendations - General Comments

Id. # Comment

- 2 The EAC Recommendations appear to recognize the fact that often people do not know about commenting opportunities or feel the public input process is too complicated. Applauds the EAC and supports their efforts.
- 3 Glad that DEQ and the EAC are improving opportunities for public involvement in Michigan.
- 4 References to "effective public involvement" and "meaningful" public role strike the right note. This is good. I hope that the final document will retain the emphasis on transparent, understandable, and open decision decision-making.
- 16 EAC is right on track. DEQ is comprised of individuals extremely dedicated to preserving the quality of the environment. Making these recommendations available for public review allows a broader perspective regarding proposed regulation and projects.
- 28 Applauds the effort to improve communication with the public.
- 38 Support the EAC Recommendations and recognize the work EAC is pursuing and commend your efforts for understanding the importance of facilitating effective dialogue between the public, local agencies and DEQ staff.
- 39 Commends the EAC for your efforts and for understanding the importance of facilitating effective dialogue between the public, local agencies and DEQ staff.
- 40 I think you've done an outstanding job and support your efforts.
- 45 Southwest Michigan Environmental Vision strongly encourages DEQ to provide opportunities for effective public involvement and supports the EAC Recommendations designed to make the DEQ process more accessible to the public.
- 47 The terms "involvement" and "meaningful role" set a constructive tone for the document. One challenge is the mixing of so many kinds of decision-making into one approach. The document does a good job mixing apples and oranges.

DEQ Perspective (previous 10 comments):

Thank you for your comments.

Id. # Comment

- 6 DEQ staff should approach permitting in a positive manner; staff's role is to help permit applicants rather than to act as an impediment.

DEQ Perspective:

The DEQ recognizes our important role of providing balanced decision-making that foremost complies with the laws that we implement, and in a manner that is in the best interest of our many stakeholders. The Implementation Plan is aimed at consistency with this role.

- 25 Endorses the report's recommendations and is ready to assist the Department in enhancing its communications in Southeast Michigan.

DEQ Perspective:

Thank you for your comment. The DEQ looks forward to continuing work with your agency as appropriate.

- 28 I think one of the biggest challenges is creating a better image. Under Engler, saving the environment was a low priority.

DEQ Perspective:

The DEQ agrees that fostering trust will improve public involvement. Additionally, the Department looks forward to the final recommendations of the EAC and taking actions defined in the Implementation Plan to achieve this result.

- 18 I would like to pay compliment to the EAC as a positive effort to develop good relationships and partnerships for improving our Michigan environment.

- 22 The EAC should be commended for initiating steps to ensure a more democratic decision-making process between the DEQ and the communities which they serve. Fully supports all of the recommendations.

- 51 Nice work - thanks for your efforts!

DEQ Perspective (previous 3 comments):

Thank you for your comment; the DEQ likewise compliments the EAC, especially as voluntary members, for providing this very important advice to the DEQ.

* * *

Comments Unrelated to Specific EAC Recommendations - Comments on Overall Approach

Id. # Comment

- 29 The words "and private land owners" should be added to the word public.

DEQ Perspective:

The EAC considers the "public" to be anyone who is affected, or have an interest in, DEQ activities. This would include private landowners, but it would also include many other

categories of individuals and organizations as well. It would be inappropriate to single any one out for special mention.

Id. # **Comment**

- 30 I would like you to incorporate into this draft a definition of the public as related to DEQ issues and decisions; then assess DEQ's public involvement program in relation to each group you have included in your definition of public.

DEQ Perspective:

The Draft Recommendations specify that EAC considers the "public" to be anyone who has an interest in, or is affected by, a DEQ program or decision. No further definition is necessary.

- 30 I suggest you replace "should" with "will." What works better, "You should brush your teeth." or "You will brush your teeth?" In addition, tighten the time frame, a year is too long.

- 47 The use of "must" instead of "should" in many recommendations would assure the activities are considered requirements, with the caveat of "unless otherwise prohibited by law" to address concerns about a mandate in conflict with individual laws.

DEQ Perspective (previous 2 comments):

The EAC is charged with developing recommendations to the department. This charge is advisory in nature so "should" is the proper terminology. The DEQ is developing an Implementation Plan that will describe actions the DEQ will take based on these recommendations. This Implementation Plan will be reviewed by the EAC. If the EAC finds it insufficient, the DEQ would welcome further recommendations.

In addition, while the EAC provides a time frame for implementation of the recommendations, DEQ is already preparing the Implementation Plan and progress is already being made (well before the one-year timeframe). DEQ plans to provide a draft Implementation plan to the EAC at their December meeting.

- 30 An example of a definition of public is: "anyone or any organization who is interested in or affected by management decisions . . . This includes, but is not limited to, local residents, adjacent landowners, . . . other government agencies, tribes . . ."

DEQ Perspective:

The Draft Recommendations specify that the EAC considers the "public" to be anyone who has an interest in, or is affected by, a DEQ program or decision. No further definition is necessary.

- 40 How does your use of the term public jive with the terms "directly affected," "potentially affected," "affected," "interested persons" etc. used elsewhere in the draft?

- 40 Suggest that one term be chosen and used consistently throughout the draft for: "potentially affected populations, directly affected populations, affected populations and interested persons" unless they have mutually exclusive meanings.

DEQ Perspective (previous 2 comments):

The DEQ agrees that the final Recommendations should pay closer attention to the use of these terms and distinguish and define them as appropriate.

- 44 Fact, science, and conformance with statutory and regulatory requirements, complemented with public input, must be the underpinnings of agency actions.

DEQ Perspective:

The DEQ agrees, but does not believe any changes to the EAC's recommendations are required.

Id. # **Comment**

- 46 EAC should add a recommendation for DEQ to review and consider federal guidance regarding public participation in any DEQ proceedings that may be subject to federal regulatory standards.

DEQ Perspective:

DEQ staff will consider the federal public participation policy, on a program specific basis, during development of the Implementation Plan. Please see the Implementation Plan for specific actions that may have resulted from this review.

- 47 The document does not acknowledge that public involvement to assure prohibition of pollution, impairment or environmental destruction is to be provided, instead appears to peg involvement in the ill-defined term "quality of life."

DEQ Perspective:

"Quality of Life" implies improving all aspect of the quality of life for Michigan's citizens. This overarching phrase necessarily incorporates improving the quality of the air, land, and water of all Michigan citizens current and future.

- 49 The definition of public seems overly broad. DEQ should welcome relevant comments, regardless of the source as long as they have an interest or may be affected.

DEQ Perspective:

In order to assure fair and appropriate access to all decisions made by the DEQ, the definition of public cannot be limited. It was the intent of the EAC to include in the definition of "public" all interested parties whether it be citizen, permit applicant, environmental group, trade organization, other state or federal agency, etc.

- 59 Under meaningful role, "The public should be able to contribute to a decision on a proposed program or activity that could affect their quality of life; suggests that "as long as they base their opinions on science" be added.

DEQ Perspective:

The DEQ believes that public input should not be limited. The public has a unique perspective to share, which can be based upon observations, law, opinion, concerns etc.

- 40 I like the inclusion of principles of effective public involvement; they strike me as operational since they are written in a manner that suggests what should be done. They provide the initial basis for participatory process & outcome evaluation.

- 40 The EAC should identify the ethical principle (i.e. why things should be done) that governs public involvement in DEQ. Ethical principles include: equity, utilitarian and libertarian. (Note: Recommend that EAC read actual submittal for elaboration.)

- 40 The draft acknowledges value in multiple perspectives but the larger question is whether these perspectives are of individuals or represent the larger social groups within which individuals are embedded (it is accepted that people organize in groups).

- 40 Along with need to identify ethic principles that guide participation, EAC and DEQ need to identify the primary intention underlying participation. What is, and who would, define success?

- 40 Measures will have to be clearly defined, part of an early consultation process, listed early in the draft indicating why they were chosen, how they fit into the participation approach, and how this measure information will be integrated in future drafts.

Id. # Comment

- 40 I like the inclusion of principles of effective public involvement; they strike me as operational since they are written in a manner that suggest what should be done. They provide the initial basis for participatory process & outcome evaluation.
- 40 Devise or select appropriate participatory approaches that are consistent with the ethic upon which your process is founded.
- 40 Vital for DEQ to explore the participatory models that derive from various ethical principles and consider how these may be integrated into DEQ's overall participation strategy, given the range of projects over which it has jurisdiction.
- 40 Add the following under Principles of Effective Public Involvement: The EAC...principles "that are grounded in a predominantly xyz ethic."
- 40 Evaluation should be a built in process with stakeholder population input to define and measure success relative to the ethical principles upon which the participation process is founded.

DEQ Perspective (previous 10 comments):

The DEQ recognizes that these comments, while supportive of the EAC's recommendations as a whole, suggest the need to address issues underlying those recommendations. Accordingly, the DEQ recommends that the EAC finalize its current recommendations with a view to consideration of these comments at a later date. This will allow the EAC and DEQ to proceed with current improvements in public involvement while preserving the ability for an in-depth discussion and consideration of these fundamental issues raised by this commenter.

* * *

Comments Unrelated to Specific EAC Recommendations - Comments on Citizen Bodies

Id. # Comment

- 7 Would like the EAC to consider adding one representative from the Michigan Association for Local Public Health (MALPH) to the EAC.
- 9 The Council, as a whole, must resolve to be the strongest advocate in the state for the health of the Lake Michigan and the dunes. Considering the makeup of the EAC, why is there not a member from the Michigan Sea Grant Office?
- 14 Add to the EAC membership representation from the Michigan Small Business and Technology Development network, the state Chamber of Commerce or Manufacturers Association and the Upper Peninsula.
- 30 I see no independent individual citizens on the EAC.

- 32 Consider a person from Labor to be on the EAC.

DEQ Perspective (previous 5 comments):

The DEQ Director Chester appointed initial members to the EAC to represent a cross section of interests affected by DEQ activities. Members are appointed to rotating terms in order to allow improvement in representation over time. The potential from a member from other organizations will be considered when new appointments are made in March 2004.

Id. # **Comment**

- 30 Provide a written reason why each member of the EAC was chosen, along with permits that have been issued to them, list of appeals they were involved in and case results, and EAC member statement on why they desire to serve to establish their track record.

DEQ Perspective:

Members of the EAC were chosen due to their association with a variety of interests and organizations that are affected by DEQ decisions. These affiliations are known to the DEQ and to the public through postings of the EAC membership. EAC members serve as volunteers. Since the EAC is advisory only, the DEQ does not believe it is necessary or appropriate for EAC members to list specific interactions with the DEQ, nor to justify their interest in serving on the EAC.

- 30 If there are members of the EAC who do not agree with the positive spin, they should be allowed and encouraged to have their views included in the assessment.

DEQ Perspective:

All members of the EAC were free to voice their opinions in developing the Draft Recommendations. While members held different opinions on a variety of topics, the EAC agreed as a whole that the Draft Recommendations were the appropriate way to present the issues for consideration by the public and the DEQ.

- 30 On page 2 the draft has a positive spin on the DEQ public involvement program. One could be led to believe everyone on the EAC buys into this positive spin. The assessment does not mention major problems the DEQ has with its public involvement program.

DEQ Perspective:

The EAC considered various critiques of the DEQ's public involvement programs in drafting the recommendation and decided to focus on areas for positive change rather than shortcomings. The DEQ agrees with this approach.

- 33 Citizen Oversight Boards can do what is necessary to study special issues and make their recommendations.

- 35 Would like to wholeheartedly and enthusiastically endorse the call by EAC members Will Cwikiel, Charles Griffith and Lana Pollack for a citizen oversight body. These members should be commended their clear-sighted leadership in advocating this reform.

- 36 A citizen oversight board with appropriate powers to consider public view is critical to the democratic process.

- 37 The EAC Recommendations stop short of integrating the public into the decision-making process. It is therefore important to establish a citizen oversight body for DEQ.

- 41 Supports a citizen's oversight body for environmental issues.

- 45 SDEV endorses the concept of creating a citizen oversight body on environmental issues.
- 47 The creation of a forum(s) that facilitate opportunities for public comment on issues that fall between or outside organizational boxes is likely to improve our state's ability to be proactive and preventative.

DEQ Perspective (previous 7 comments):

The EAC is considering whether a citizen board would be beneficial and recommendations will be made by the EAC at a later date.

Comments Unrelated to Specific EAC Recommendations - Comments on Specific Issues

Id. # Comment

- 8 Facility in neighborhood received 20 citations for emitting Benzene; she was unaware until she requested information from the DEQ under FOIA.

DEQ Perspective:

The relevant DEQ programs have reviewed the allegations in this complaint and considered whether there are procedural flaws that could be changed to prevent future situations under similar circumstances. One website that contains compliance and enforcement information on federal permits (where the federal permit program is implemented by the state) can be found at www.epa.gov/echo. The DEQ has also created a work group to develop a means of posting compliance information on the DEQ website.

- 9 I have been devastated to see the low water (but loves the new exposed dunes), the Zebra Mussel, other foreign species and debris on my beach; the discharge of ballast water, beach grooming concerns and drilling concerns.
- 9 The implementation of the act is inconsistent, untimely, a questionable use of authority and understaffed.
- 9 Has the EAC considered the Great Lakes Shoreline Protection Overlay Zone draft dated 5/25/01?
- 20 What would be the public response, if DEQ restrictions of private property were named on deeds? If the current system is to continue, the DEQ (an unnamed lien holder) MUST pay compensation for the loss of property rights and property taxes.
- 26 Local residents on the Bad River Tributary (near Saginaw) have a complaint of "excess Sarcomas," which are linked to dioxin.
- 29 All private land owners have a right to improve the land they own. Stop the power of the special interest people. Interest groups (specifically highlights MUCC in membership list) should not use the DEQ as a police puppet to take the rights of the land owner.

DEQ Perspective (previous 6 comments):

This particular public comment period is dedicated to improving public input opportunities within the DEQ. Therefore, the DEQ will only be responding in this summary to comments related to public involvement. However, these comments have been submitted to the affected divisions for consideration.

There are other ways to ask the DEQ to consider a complaint or public comment. Specifically, an inquirer can either call their DEQ district office or they can call the DEQ

Environmental Assistance Center. The assistance center's toll-free hotline is 1-800-662-9278 and the web address is deq-ead-env-assist@michigan.gov.

- 18 Streamline the air permitting process, in particular the Renewable Operating Permit system.

DEQ Perspective:

The Air Quality Division staff are considering the comment. If any actions are identified that can streamline the process without diminishing public input, then they will be identified in the Implementation Plan.

Id. # **Comment**

- 20 Commenter's mother did not build a pole barn because she decided it would cost too much to pay for all the DEQ permits, forms and fees associated with a proposed pole barn.

DEQ Perspective:

Permit costs are determined through the laws passed by the state Legislature. Many of these laws are pay per use, (i.e., are paid for through fees from those that need permits). Permit fees are not at issue in the EAC Recommendations; however, permit processes and application forms are being reviewed in the context of the DEQ Implementation Plan.

- 20 DEQ is blind to the fact that there are alternatives to protecting the environment without the aid of government (i.e. the nature conservancy).

DEQ Perspective:

The DEQ recognizes and in many instances supports the valuable work of non-governmental agencies, especially non-profit organizations towards positive environmental outcomes. However, the EAC's recommendations for improving public involvement in DEQ activities may not be the appropriate venue to consider this comment.

* * *

EAC Recommendation A 1.

“The DEQ should enhance its efforts to train staff on how to work with the public, communication skills, conflict resolution, and public meeting facilitation. The DEQ should also consider employing specialists who can bring experience and expertise to these activities.”

Id. # **Comment**

- 1 DEQ workshops are very professional, well organized, informative and of great value. DEQ does not need to "employ specialists" for workshops; prefers an unpolished expert over someone with stage presence running through scripts.
- 42 Be cautious about employing specialists instead focus on keeping current FTE's.

DEQ Perspective (previous 2 comments):

The DEQ recognizes that communication skills (including public speaking) are integral for us to be effective in our informational and educational role. We therefore promote these skills in our staff by encouraging refinement of these skills through practice, training and

feedback from workshop audiences. The DEQ does not intend to employ specialists, but is considering advanced training for select staff.

- 14 Training staff is critical to the success of this effort.
- 22 Training DEQ staff on how to work with the public by developing their communication, conflict resolution, and public meeting facilitation skills will foster a constructive alliance between the DEQ and the public/regulated community.
- 39 Supportive of recommendations to enhance and improve facilitation, training and coordination.

DEQ Perspective (previous 3 comments):

The DEQ agrees with the comment; see the Implementation Plan for detailed actions in support of this end.

Id. # **Comment**

- 49 Staff needs aggressive/continuous technical/regulatory education and training. There is a failure of staff to ask well-formed questions, provide well-formed answers, and understand meeting facilitation.

DEQ Perspective:

DEQ staff are trained and experienced in their areas of expertise. The DEQ supports training for staff to remain current with new legal requirements, technical information, and methodologies.

- 49 Lack of public confidence in the DEQ's technical staff.

DEQ Perspective:

The DEQ believes its technical staff are objective, well-informed professionals whose goal is to ensure a better environment through implementation of the laws and regulations in the state of Michigan. Restoring public confidence in the agency is key to the successful implementation of the EAC Recommendations.

- 53 I like the training aspects, and education aspects, but where is the money coming from?

DEQ Perspective:

Training costs will be a challenge for the DEQ. The DEQ plans to pursue training as detailed in the Implementation Plan, but will need to carefully target training to make the most effective use of the DEQ's limited budgetary resources.

- 57 Agrees that DEQ staff should be trained on how to work with the public and offers to be a specialist in this regard.

DEQ Perspective:

Thank you for notifying the Department of your interest in this regard. Specific details related to Departmental training activities will be developed and contained in the Implementation Plan.

- 59 Need more field staff. Staff must respond to questions in a timely fashion without malice.

DEQ Perspective:

The DEQ recognizes the importance of improving public participation while maintaining timely decision-making actions. The Implementation Plan attempts to strike this balance.

* * *

EAC Recommendation A 2.

“DEQ management should recognize the value of staff participation in a professional capacity as members of professional organizations and in environmental projects in their local communities. Staff should also feel enabled to be visible in their community in a personal capacity, keeping in mind the need to avoid conflicts of interests or inappropriate use of authority through their affiliation with the DEQ.”

Id. # Comment

- 5 The American Water Works Association, Michigan Section endorses the EAC's draft document and strongly encourages the DEQ to continue allowing staff participation in organizations like ours. Promotes DEQ staff participation in the American Water Works Association, Michigan Section.

DEQ Perspective:

The DEQ supports the recommendation to allow for staff participation in professional organizations so long as the membership is coordinated to make the best use of state resources.

- 19 DEQ should have active, organized regular involvement with the public. The EAC is a good start, but further input and work with citizens and residents is essential for reducing conflict and program management.

DEQ Perspective:

The DEQ agrees with the comment. Further, the Implementation Plan will identify specific actions to be taken by the DEQ to meet this objective.

- 41 Don't be quick to exclude projects for early public involvement - lean towards openness.

DEQ Perspective:

The DEQ agrees and is developing the Implementation Plan with that goal in mind.

- 42 Avoid conflicts of interest and inappropriate use of authority related to DEQ staff in community involvement. Supports involvement in professional organizations but recommends deleting the recommendation as related to community involvement.

DEQ Perspective:

The DEQ agrees with that staff should avoid conflicts of interest when involved in community activities. The Implementation Plan will call for guidance to DEQ staff on this issue. The DEQ does not support deleting this portion of the recommendation.

- 49 DEQ staff should be a source of informed technical opinion in their communities provided there is no conflict of interest and undue influence.

DEQ Perspective:

The DEQ agrees.

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EAC Recommendation A 3.

“The DEQ should invest in developing and fostering awareness among its staff that there is value in bringing multiple perspectives to bear when examining an issue.”

Id. # Comment

- 4 The concept of multiple perspectives is very important.

DEQ Perspective:

Thank you for your comment.

Id. # **Comment**

- 4 Section A.3 would be a good place to remind DEQ technical staff that public may have important local knowledge and valid technical or non-technical concerns.

DEQ Perspective:

The DEQ agrees with this comment and supports changing the recommendation to indicate that the public may have important local knowledge and valid technical and non-technical concerns.

- 30 Make recommendations to DEQ concerning their culture of public involvement, timing and opportunity, and implementation for each group within your definition of public. Each group within the definition is then a target marketing group for DEQ contact.

DEQ Perspective:

The DEQ believes that recommendations should be made broadly and should not be subcategorized for different segments of the public.

- 35 DEQ needs to make increased efforts in the area of environmental justice. Environmental justice groups are not ordinarily received with open arms by professional environmental protection agencies; this must change. DEQ can be a national leader.

DEQ Perspective:

The DEQ recognizes environmental justice as an emerging and difficult issue and the need to listen to all groups and perspectives. The DEQ recommends that the EAC consider the issue of environmental justice as a topic for future discussion.

- 38 Coordination should be enhanced and integrated between DEQ and Department of Natural Resources (DNR); look for earlier opportunities for involvement by other state departments.

- 39 Coordination should be enhanced and integrated between DEQ and MDNR; look for earlier opportunities for involvement by other state departments.

DEQ Perspective (previous 2 comments):

The DEQ agrees that earlier interaction between the DEQ and the DNR/other state agencies would be beneficial in certain circumstances. The DEQ will be attentive to such opportunities but believes other actions outlined in the Implementation Plan are more important for improving public involvement at this time.

- 39 DEQ should give consideration to including watershed advisory groups in the early notification process, including adding community storm water coordinators on the notification list (phase II storm water permits). The DEQ should set reasonable compliance dates and respond within a reasonable time.

DEQ Perspective:

The DEQ agrees with this comment and will address it in the Implementation Plan. The Water Division has invested a considerable amount of time working with the regulated community determining compliance dates for the storm water permits. This has taken staff resources away from other activities, including review and processing of discharge permits.

The Water Division has been implementing the expanded Phase II Program with existing staff. The DEQ believes this program will be adequately funded by recent actions by the Legislature and the Governor which will improve staff response time.

Id. # **Comment**

- 40 Specially affected populations (SAP) present a unique challenge to design, implementation and evaluation of public involvement processes. If it is decided that public is represented in groups, then special provisions will have to be made for SAP.

DEQ Perspective:

The DEQ recognizes that these comments, while supportive of the EAC's recommendations as a whole, suggest the need to address issues underlying those recommendations. Accordingly, the DEQ recommends that the EAC finalize its current recommendations with a view to consideration of these comments at a later date. This will allow the EAC and the DEQ to proceed with current improvements in public involvement while preserving the ability for an in-depth discussion and consideration of these fundamental issues raised by this commenter.

- 42 Supports the recommendation to see staff gain better understanding of economic challenges faced by applicants and the effect the permit process can have on the state's economy.

DEQ Perspective:

Thank you for your comment.

- 42 We believe DEQ can and should play an important role in Michigan's economic development efforts to retain and attract Manufacturing investment.

DEQ Perspective:

The DEQ agrees that it plays an important role in Michigan's economic future. Likewise, the DEQ is charged with administering the laws assigned to it by the Legislature and these laws dictate certain actions and impose constraints on the DEQ's discretion. The DEQ makes an honest attempt to fairly and effectively administer the laws entrusted to us while balancing the multiple interest that must be considered.

- 47 Unlearning the expectations of the previous administration that neither valued nor respected the legal obligations to defend the public right to know may pose one of the largest challenges to success.

- 48 DEQ needs an attitude change to replace past mentality with an appreciation of public input.

DEQ Perspective (previous 2 comments):

The DEQ recognizes that some members of the public have concerns with past practices related to public involvement. Current efforts are focused on looking forward and making improvements. We believe staff will welcome these initiatives.

- 49 Multiple perspectives should include more than the two that are frequently assumed to be in opposition: business versus the environment.

DEQ Perspective:

The DEQ agrees and seeks to foster an understanding by staff of the full range of interests and opinions surrounding DEQ activities.

Id. # Comment

- 52 This is refreshing. The culture has been to keep DEQ and the public far away from each other. We need a sustainable open policy - not one that is open to shifts every 4 years.

DEQ Perspective:

The DEQ agrees with this comment. Creating a system of public involvement that all interests can support in the long term should minimize an interest in substantial shifts in public involvement policy. The DEQ hopes that future review by the EAC of DEQ actions to improve public involvement will result in an iterative process leading to such a system.

* * *

EAC Recommendation A 4.

“The DEQ should encourage leadership development among its staff and foster interaction among emerging leaders in the DEQ and organizations involved in DEQ activities.”

No Comments.

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EAC Recommendation B 1.

“Individual programs within the DEQ should review their decision-making processes to identify earlier opportunities for public involvement. This could include the potential for earlier notification of pending actions—such as the receipt of permit applications—and encouraging applicants to voluntarily involve the public as early in the process as feasible. The EAC recognizes that such early involvement mechanisms will not be appropriate or necessary for all decisions within a particular program. Individual programs should develop criteria to identify the types of decisions for which such mechanisms are appropriate.”

Id. # Comment

- 4 The description of the applicant's public involvement responsibilities needs to be strengthened. DEQ programs should require applicants to notify the public at key milestones in the planning process. DEQ should develop rules for applicant requirements.

DEQ Perspective:

The DEQ agrees that there may be opportunities for permit applicants to involve the public earlier in the process. See the Implementation Plan for details.

- 4 It would be helpful to note how heavily the early involvement responsibilities fall on applicants. Strengthen the applicant's public involvement responsibilities; "encouraging" the applicants to "voluntarily" involve the public will not motivate.

DEQ Perspective:

The DEQ agrees that there are opportunities for applicants to facilitate earlier public involvement. See the Implementation Plan for details on how the department intends to strengthen the applicant's public involvement responsibilities.

Id. # **Comment**

- 8 Indicated that the DEQ should notify the public of air and water violations in their area.

DEQ Perspective:

The DEQ agrees that citizens should have access to information about air and water violations in their communities. One website that contains compliance and enforcement information on federal permits (where the federal permit program is implemented by the state) can be found at www.epa.gov/echo. The DEQ has also created a work group to develop a means of posting compliance information on the DEQ website.

- 12 The prevailing message in the document is early involvement by the general public but not to overlook the issue of limited staffing and funding.

DEQ Perspective:

Allocating the DEQ's limited resources to expanded public involvement initiatives will be a challenge. The Implementation Plan attempts to strike a balance between methods to improve public involvement and the costs of implementing those methods.

- 13 Notify affected parties earlier when new regulations are proposed and involve the affected stakeholders through work groups. To identify the stakeholders, use SIC codes, permit lists, etc.

DEQ Perspective:

The DEQ agrees and uses stakeholder groups extensively to assist in the development of administrative rules.

- 38 DEQ should give consideration to including watershed advisory groups in the early notification process including adding community storm water coordinators on the notification list (phase II storm water permits).

DEQ Perspective:

The DEQ agrees with this suggestion. The Implementation Plan identifies specific activities to address public notice improvements.

- 41 Encourage DEQ staff to be as inclusive as possible in developing criteria for deciding when it is appropriate to encourage public involvement because not all programs require early public involvement.

DEQ Perspective:

The DEQ agrees that judgments have to be made about when early public involvement is appropriate. The Implementation Plan will include actions to help in making those judgments.

- 42 Encourage and suggest early outreach by the applicant but don't make it a requirement. This creates a new mandate not faced by facilities in other states (economic disadvantage). Outreach should be based upon mandate - not divisional strategies.

DEQ Perspective:

The Implementation Plan will identify ways of encouraging voluntary earlier outreach by applicants. Where mandatory methods are under consideration, such requirements could not be imposed unless after specific opportunities for consideration and comment by affected interests.

Id. # Comment

- 45 Notification and materials should be translated into appropriate languages in areas where there are known to be non-English speaking residents. Meetings should be scheduled at location near sites being discussed and at times that are convenient.

DEQ Perspective:

The DEQ attempts to schedule public meetings at convenient times and locations. The DEQ does not have the resources to translate notifications and materials into other languages.

- 48 Inform communities and adjacent property owners of potential pending actions at permit application time rather than waiting until permit granting time.

DEQ Perspective:

Specific details on how the DEQ will improve its early notification process are being addressed in the Implementation Plan.

- 49 Lack of notice of changes in policy or interpretations can be difficult for the affected and interested parties.

DEQ Perspective:

The DEQ agrees and takes steps to notify affected parties of decisions. The Implementation Plan describes actions that will be taken to improve such notice.

- 49 Each program should establish guidelines on how to determine what will be of interest to whom and aim for commonalities within the DEQ.

DEQ Perspective:

The DEQ Implementation Plan will describe how various programs will foster early involvement.

- 59 Only where required by law.

DEQ Perspective:

As an administrative agency, the DEQ is entrusted with administering the laws assigned to us by the Legislature. Implementation of the laws in accordance with the legal mandate provides the maximum amount of accountability to the people of the state of Michigan.

* * *

EAC Recommendation B 2.

“The DEQ should notify the public of pending actions or activities early enough to obtain and evaluate information, formulate and express opinions, options and suggestions prior to DEQ action.”

Id. # Comment

- 6 The simplistic approach to adding more public comment is to lengthen decision-making time.

DEQ Perspective:

Although this may be a way to increase public comment, the DEQ can look for ways to improve public involvement within existing decision-making timeframes. While we support the concept of improved public participation, it is equally important to provide timely decision-making actions. The Implementation Plan attempts to strike this balance.

Id. # **Comment**

- 38 It is important for DEQ to set realistic expectations for compliance dates and for DEQ staff to respond within a reasonable time frame (e.g. Phase II COC's - Communities were required to comply in March 2003 but some don't have permits yet).

DEQ Perspective:

The DEQ agrees with this comment. The Water Division has invested a considerable amount of time working with the regulated community determining compliance dates for the storm water permits. These negotiations may have slowed the permit issuance processing by focusing staff time on working directly with the applicants.

The Water Division has been implementing the expanded Phase II Program with existing staff. The DEQ believes this program will be adequately funded by recent actions by the Legislature and the Governor which will improve staff response time.

- 39 Some elements of the permitting process (NPDES - Stormwater) rely upon the permitting agency to provide the permittees with information. DEQ information, timing, and public notification have been confusing and should be more like that provided by ESSD.

DEQ Perspective:

The Water Division is working collaboratively with the Environmental Sciences and Services Division to address this concern. The Implementation Plan includes specific activities to address this comment.

- 39 It is important for DEQ to set realistic expectations for compliance dates and for DEQ staff to respond within a reasonable time frame. Compliance reports go in for review but many months pass without DEQ comment.

DEQ Perspective:

The DEQ agrees that it should set realistic time frames for compliance and respond to submission from the regulated community within a reasonable time. Meeting these objectives is partially a matter of balancing all demands on the time of DEQ staff. However, this is not a issue directly associated with public involvement and so no action is recommended.

- 50 DEQ should discuss with the EAC the statutory decision timeframes. DEQ needs a director-override that can be used to extend timeframes to allow for more public comment and for application reviews by DEQ. Flexibility is needed for complex issues.

DEQ Perspective:

Decision timeframes for a number of regulations are defined by federal statute and do not fall under the purview of the state. Beyond that, the DEQ recognizes the often countervailing interests in providing for public involvement and timely decision-making. For the most part, the DEQ believes that current statutory time frames do not hinder effective public involvement. However, the Implementation Plan includes actions to encourage earlier involvement to avoid such conflicts.

- 59 Public involvement is not the problem; there is already a mechanism for noticing/hearing. The problem is timely permit turnaround; it should not take 3 months for shoreline stabilization. If you have photos and complete application do it in office.

Id. # Comment

- 59 People would more readily comply if they felt they got timely, reasonable response. Can they approve local entity to do shoreline, utility crossings, raised boardwalk - if comply with set criteria?

DEQ Perspective (previous 2 comments):

The DEQ recognizes the importance of improving public participation while maintaining timely decision-making actions. The Implementation Plan attempts to strike this balance.

* * *

EAC Recommendation B 3.

“The DEQ should review and improve its mechanisms for providing notice of pending decisions, including the feasibility of individual notice to citizens directly affected by significant site-specific permit decisions.”

Id. # Comment

- 4 All DEQ and applicant notices on specific projects should be published in local newspapers; this is more conspicuous to the average citizen than the (DEQ) Bulletin or Calendar.

DEQ Perspective:

The DEQ agrees that notices should be distributed where they will be most effective. However, newspaper notices are expensive and may not be effective for reaching some audiences. Thus, a variety of mechanisms must be used. See the Implementation Plan for details.

- 8 Suggested that, in addition to the DEQ Calendar and website, the DEQ better use other forms of media (e.g. radio, newspapers) to solicit public involvement.

DEQ Perspective:

The DEQ agrees that by expanding into or making greater use of various forms of media (e.g., radio/PSA, newspapers/press releases-articles, TV/PSA-interviews, e-mail, direct mail) than is currently done, could, in specific instances, solicit greater public involvement. The Implementation Plan will discuss how this might best occur.

- 10 Please consider going beyond hearings, workshops and internet for public information opportunities (e.g., information kiosks at shopping centers; provide notifications at sport stadiums, senior citizen centers within affected area; local government mailings).

DEQ Perspective:

The DEQ agrees that more could be done to offer additional public information opportunities. To some extent, this is already being done in various forms: kiosk pilot project in SEMI, citizen information committees, formation of various task forces, the toll-free DEQ hotline (1-800-662-9278) with staff on call from each division, information repositories at local libraries for site specific information, press releases, e-mail updates to community officials/residents, and information provided on programs to assist communities in understanding technical contaminated site issues, such as Michigan State University's Technical Outreach for Sites of Contamination (TOSC) program, and the federal Superfund Technical Assistance Grants (TAG) program. Further actions are described in the Implementation Plan.

Id. # **Comment**

- 15 Vastly expand and make more detailed the press releases and do releases on policy and planning issues ...not just after the fact. Specifically, enforcement activities, new documents, publications and important communications.

DEQ Perspective:

The DEQ averages 10-15 press releases per month, which range from one to two pages with key contact persons/phone numbers listed for additional information, and are expanding on providing more information on enforcement activities. Each division within the DEQ also operates its own e-mail listserv list to provide the public (those who have subscribed to the list) with information about new documents, publications, and other important and related issues. Enforcement actions may be confidential up to the point when they become filed in court. The DEQ is in the process of producing enforcement information on its Web page. The suggestion to expand releases on policy and planning is a good one; however, such general announcements are often not carried by the media. The DEQ believes that better use of the Web page and listserv is probably a more effective and efficient way of announcing general activities not likely to be newsworthy for the traditional media.

- 27 Maybe there could be more outreach to the tribes when there is activity going on within their areas; suggests that notices be set up by watershed boundaries instead of political boundaries.

DEQ Perspective:

The DEQ agrees that tribes should be kept well-informed of DEQ activities. The Implementation Plan should address this issue. It would be very difficult to provide notice by watershed boundaries because of the need for site specific verification along boundaries.

- 28 Supports any effort to open up the process to citizens, either through forums, easy e-mail mechanisms for feedback etc.; make minutes and reports available to the people.

DEQ Perspective:

Files and minutes of meetings are currently available upon request under the FOIA. Budget constraints limit the DEQ's ability to make this information generally available prior to a request.

- 32 When a company is listed in the DEQ Calendar under: decisions before the director, public hearings and meetings, the facility address should be listed so I can see whether the facility is close to my family or friends.

DEQ Perspective:

The DEQ agrees that the geographic location of items listed on the DEQ Calendar would be helpful. See the Implementation Plan.

- 33 Get each community newspaper to have a spot set aside weekly or bi-monthly on environmental issues that you want out there. It should be boxed in by black lines to call attention to the issues and placed in the same spot so readers get used to it.

DEQ Perspective:

DEQ agrees that such postings would be helpful. Unfortunately, space in publications is costly. The Implementation Plan outlines other actions the DEQ plans to take that are considered to be more efficient and effective to inform the public of environmental issues.

Id. # **Comment**

- 41 Permit applications should be sent to the local newspaper covering the area where the action should occur. Names and addresses of local media could be made part of the permit application form.

DEQ Perspective:

Unless a proposal is highly controversial, the DEQ does not believe local media would be generally interested in permit applications before the DEQ. The Implementation Plan will describe actions to improve public notice of actions pending before the DEQ generally. These actions may include more effectively working with local media in other ways than those specifically suggested by this comment.

- 41 Many citizens don't monitor websites so use newspapers instead.

DEQ Perspective:

The DEQ understands that many citizens do not use web sites. By the same token, legal notices are often not read by many individuals. Thus, effectively reaching the public through a variety of means, and keeping the costs reasonable, is a challenge. The Implementation Plan will describe the various ways the DEQ will attempt to meet this challenge.

- 42 Oppose efforts to target specific citizens that the agency feels would be affected by the actions. The law already requires that citizens be protected. Targeted outreach by DEQ staff is not appropriate and is biased.

DEQ Perspective:

Direct outreach to specific citizens is difficult and often expensive. Nonetheless, it is appropriate in certain circumstances. The Implementation Plan describes how the DEQ intends to balance these interests.

- 45 Support notification of citizens directly affected by significant site-specific permit decisions.

DEQ Perspective:

The DEQ Implementation Plan will describe efforts underway to notify citizens directly affected by permit decisions in appropriate circumstances.

- 54 How about using a statewide dialogue such as used in (www.network-democracy.org/epa-pip) or (www.epa.gov/stakeholders)? Would require 3rd party support (hosting and \$\$). Ask other stakeholders if they want to host a topic.

DEQ Perspective:

This comment would be very expensive and time-consuming to implement. While it might be considered in the future, the DEQ believes other less costly actions that can be taken to improve public involvement would be more effective at this time.

- 55 I think the public would be more encouraged to be involved with DEQ projects if they heard more often about our involvement and role in their lives, and who made a difference by reporting pollution or working with us. Is a media campaign inappropriate?

DEQ Perspective:

The DEQ does not believe a media campaign to directly inform the public of the DEQ's activities is appropriate. However, as the EAC's recommendations indication, the DEQ should be more effective in involving the public in DEQ activities. The Implementation Plan will speak to how this can be done, which will, over time, help the public better understand what the DEQ does.

Id. # **Comment**

- 56 The DEQ Calendar should provide an e-mail and mail address with a public comment period and reference number to the article in the events calendar to solicit feedback. The use of the calendar for receipt of public comments may make it easier for public.

DEQ Perspective:

The DEQ agrees that the Calendar can be better used to solicit public involvement. See the Implementation Plan for details.

- 59 Strictly adhere to public notice policies. Do not be swayed by special interests.

DEQ Perspective:

Thank you for your comment. The goal is to improve the current public involvement processes within the department. Therefore, the various policies and rules will be reviewed and actions will be identified in the Implementation Plan.

* * *

EAC Recommendation B 4.

“DEQ program managers should strive to provide meaningful public involvement opportunities appropriate for each situation considering the issues, locations, potential environmental and human health implications, potential for controversy, specific needs of the public and the DEQ, and the time frame for decision-making. For significant decisions, or when there is widespread public interest, the DEQ should use multiple approaches (e.g., meetings, hearings, workshops) for involving the public. The common element should be interaction between DEQ staff and the affected public.”

Id. # **Comment**

- 6 Expressed concern that public involvement issues will be more costly and time consuming for the DEQ and will cause permit decisions to languish for longer than necessary.

DEQ Perspective:

The DEQ is mindful of the potential for delay in permit decisions. The Implementation Plan will attempt to balance improved public involvement with expeditious decision-making.

- 10 If the decision warrants data collection, consider inviting the public into data gathering phase (e.g. water quality monitoring); data reliability would be a consideration.

DEQ Perspective:

The DEQ agrees this can be useful in some situations. Implementation of some DEQ monitoring programs are accomplished through the formation of partnerships with the public and outside entities.

- 14 Provide food at public gatherings to increase the likelihood of participation. The state does not necessarily need to pay for this.

DEQ Perspective:

Most facilities at which the DEQ holds public meetings do not allow food because it leads to additional janitorial costs. In addition, the state is not in a position to pay for food, and organizing volunteers to bring food would be difficult, time consuming, and not the best use of limited staff resources.

Id. # **Comment**

- 15 Create an open public docket for all issues, permits and licenses, laws and rules development that includes all pertinent correspondence, memos, documents, notices, etc. Make sure press releases have a link to this information.

DEQ Perspective:

Information as described in this comment is available through the FOIA. It would be very difficult and expensive to create a public docket for all documents involved in every DEQ decision. It is occasionally done now for highly visible and controversial issues.

- 33 Town Meetings: Assure the public of staff availability by introducing the staff and allowing them to make a brief statement; assure the public that the staff can be approached that very evening.

DEQ Perspective:

The DEQ agrees that staff should be available during public forums such as town meetings.

- 36 Town meetings with DEQ staff to answer questions from the public to promote open and honest dialogue.

DEQ Perspective:

The DEQ agrees that participation in town meetings may be helpful in certain circumstances. But the demand on staff time to participate in such meetings must be balanced against potential uses of staff time. This balance must be struck by individual staff and supervisors on an on-going basis.

- 42 This recommendation is vague and difficult to evaluate. Concerned about impacts to permit processes.

DEQ Perspective:

More information about how the DEQ interprets this recommendation and will balance its benefits against potential negative effects on the permit process will be described in the Implementation Plan.

- 42 Shorten permit issuance timeframes in every division of DEQ to ensure the agency is doing all it can to attract jobs to this state.

DEQ Perspective:

The DEQ must balance the interest in short decision-making time frames with the need to make decisions on necessary information and to involve the public. The actions called for in the Implementation Plan attempt to strike that balance.

- 53 There is public input and then there is the NIMBY input who is against everything, this is really going to slow the entire process down. I was hoping that the new administration was going to speed things up.

DEQ Perspective:

The DEQ recognizes the importance of improving public participation while maintaining timely decision-making actions. The Implementation Plan attempts to strike this balance.

Id. # **Comment**

- 53 Approve of recommendations but am wary of possible negative effectives of extensive involvement (to the point of being further slowed down). We need a balanced approach and should be cautious in implementation to see consequences of the changes.

DEQ Perspective:

The DEQ agrees with this comment. The Implementation Plan attempts to strike this balance.

- 56 Perhaps a public comment form could be developed by the DEQ to automate the formatting and compilation of all public comment. This would result in a more efficient and less labor intensive process for receiving and addressing public comment.

DEQ Perspective:

The DEQ has experimented with electronic forms for receipt of public comment. This comment is being considered on a program specific basis within DEQ and where adopted, will be identified in the Implementation Plan.

* * *

EAC Recommendation B 5.

“The DEQ should provide policy, program, and technical information to the public at the earliest practicable times and throughout the decision-making process. This information should be provided to enable potentially affected or interested persons to make informed and constructive contributions to decision-making. The DEQ should cooperate with and support efforts to provide general training for citizens about how to participate in DEQ decision-making processes and basic primers on common permit-related issues such as

those in the air and water quality programs. The DEQ should also develop and implement mechanisms to more effectively convey information about specific proposals before the DEQ. This information should include the facts of the proposal and the opportunities for individuals to participate in the decision-making process.”

Id. # Comment

- 11 The following suggestion should be integrated into B5 or B8: Provide more opportunities for people to learn about the application process such as information forums; these happen, but inconsistently between programs.

DEQ Perspective:

The permit application process for each permit program is introduced in the DEQ permit guidebook entitled “State of Michigan Department of Environmental Quality Permit and Licensing Requirements.” This document can be found online at: www.deq.state.mi.us/documents/deq-ess-permits-permitguidebook.pdf. Each chapter of this guidebook provides contact information per each permitting program. In addition, workshops are held throughout the year that provide specific information on permit application processes; seating is commonly limited and therefore marketing is usually targeted to the groups that are most in need of the training.

Other actions to help the public understand DEQ permitting programs will be detailed in the Implementation Plan.

Id. # **Comment**

- 11 The following suggestion should be integrated into B5 or B8: Public participation documents should be written at the 8th grade level.

DEQ Perspective:

The DEQ targets educational materials to specific audiences and in accordance with legal mandates. Staff have evaluated the reading level of many documents for use by the public through the use of Microsoft Word. It has been found that the 8th grade level is often difficult to achieve due to the necessary use of scientific words; however the DEQ could set a goal to achieve this end in its Public Participation and Communication Outreach Policy. The DEQ will research the feasibility of the proposed target of 8th grade level and will identify tasks in the Implementation Plan.

- 11 The following suggestion should be integrated into B5 or B8: Permit applications should be verified by knowledgeable DEQ staff for accuracy.

DEQ Perspective:

As an administrative agency, the DEQ is responsible for administering the laws assigned to it by the Legislature. This necessarily includes the duty to ensure that permit applications are reviewed and verified in accordance with the specific laws governing the permit programs, and that this is done by staff qualified to do so. The comment was not directed to a specific DEQ permit program, therefore, various DEQ permit program staff are considering this comment. Changes to permit review procedures, if needed, will be identified in the Implementation Plan.

- 14 Involve the public by seeking creative, innovative solutions.

DEQ Perspective:

DEQ agrees with the comment; see the Implementation Plan for detailed actions in support of this end.

- 24 The QC/CP training day is very helpful, but there is no follow-up on the issues discussed at the training; a semiannual or quarterly e-mail to attendees would be helpful. These meetings only occur about every 3 years.

DEQ Perspective:

When QC/CP training occurs, attendees are invited to register on the DEQ list server (visit <http://www.state.mi.us/listserv/subscribe.html> and select DEQ-STD from the scroll down list) to receive periodic e-mail updates, including: policy clarification, related training issues (HAZWOPER, RBCA), compliance and enforcement issues, and reminders to send in annual update information. In addition, information and updates are now being posted on the DEQ QC/CP web page; here is a link: www.michigan.gov/deq/0,1607,7-135-3311_4115_4238-9723--,00.html

- 31 Citizens can help look out for the environment if they have the facts. It will take much effort, by all of us, to change the mind-set that exists today with respect to protecting our environment. Slowly we are making progress.

DEQ Perspective:

The DEQ agrees that an informed citizenry is in everyone's best interest. The Implementation Plan describes activities to better inform the public of DEQ activities and environmental programs.

Id. # **Comment**

- 30 Add a statement concerning workshops: DEQ will explore the idea of offering all workshops and training sessions to individual citizens not associated with a for-profit business or non-profit organization at a reduced (reasonable/lunch covering) fee.

DEQ Perspective:

Most of DEQ workshops are for compliance assistance (e.g. how to submit electronic Discharge Monitoring Reports). As such, the content of these workshops are best understood by the regulated community that must comply with the regulations being discussed. Workshop registration is not limited to the target audience, but people without the experience in a program area may find the workshop a waste of money and of their time. In addition, workshop seating is often limited so we try to first and foremost accommodate those who must learn the regulation in order to maintain compliance at their facility.

However, the DEQ will consider the comment. Any changes will be reflected in the Implementation Plan.

- 34 When making decisions that require public involvement, the DEQ should distribute: a flow chart of the case specific decision-making process, an estimated timetable, implementation schedule, an appeal mechanism. Prepare templates for this purpose.

DEQ Perspective:

The DEQ agrees this type of information would be helpful. The Implementation Plan will include steps to develop such materials.

- 42 Educational programs could be provided privately (including citizen training). Tight budget times should not foster new programs that could be provided privately. Additional information is available (application) to the public without conveying it.

DEQ Perspective:

The DEQ agrees that educational programs can be expensive. The Implementation Plan attempts to balance this concern against the benefits to public involvement that would accrue by helping citizens understand how the DEQ operates.

- 44 Enhance the information available on the web site through inclusion of guidance documents, permit application checklists, decision trees, typical decision schedules and specific agency contacts related to a proposed action.

DEQ Perspective:

The DEQ has assigned a team to improve the website. These suggestions will be passed on to that team.

- 45 Provide basic primers on common permit related issues such as those in the air and water quality programs and provide these in a language that is understandable to the average person.

DEQ Perspective:

The Department targets educational materials to specific audiences and in accordance with legal mandates. Staff have evaluated the reading level of many documents for use by the public through the use of Microsoft Word. It has been found that the 8th grade level is often difficult to achieve due to the necessary use of scientific words; however the DEQ could set a goal to achieve this end in its Public Participation and Communication Outreach Policy. The DEQ will research the feasibility of the proposed target of 8th grade level and will identify tasks in the Implementation Plan.

Id. # Comment

- 49 Additional training for DEQ staff on how to write simply and clearly. Look to the USEPA guide entitled, "Writing User-friendly Documents."

DEQ Perspective:

The DEQ agrees that training to assist in communication would be beneficial. This is one of the types of training that will be considered as the DEQ implements the EAC's recommendations.

- 49 Publish internal workflow document, including timelines and checklists to help the public understand why the DEQ does things the way they do.

DEQ Perspective:

The DEQ Implementation Plan will describe how various programs will foster better understanding of internal DEQ work processes.

- 58 DEQ's public information should be in a format that minimizes technical complexity and maximizes the understanding of environmental, public health, and quality of life impact.

DEQ Perspective:

DEQ agrees with the recommendation, and believes it better fits under B5: DEQ information that is developed for the public should minimize technical complexity and maximize understanding of environmental, public health and quality of life issues.

* * *

EAC Recommendation B 6.

"The DEQ should enhance coordination and communication with local units of government. This could make efficient use of the resources of both the local unit of government and the DEQ in informing the public of proposals of local interest. The DEQ should provide early informal notification of local officials of controversial projects. Likewise, local government should be encouraged to provide early notice to the DEQ of projects that might be of interest to the DEQ. The DEQ should look for opportunities to provide general education for local officials on environmental topics, such as through training seminars sponsored by governmental associations."

Id. # Comment

- 3 Coordinate public hearings with other meetings where the audience and experienced people (commissioners, administrators, planners etc.) may have an interest, e.g., regional planning commission, county commission or township board meetings.

DEQ Perspective:

Good suggestion. The public would benefit by having one location/time to share ideas on a project that has multiple local and state issues. See each Division Implementation Plan for specifics.

- 6 DEQ should not abrogate statewide prerogatives in favor of local control.

DEQ Perspective:

The DEQ agrees. Decision-making authority of the DEQ should remain at the state level. This does not preclude local input/involvement in the decision-making process.

Id. # **Comment**

- 7 Suggested the development of more a specific and direct channel of communication between local health departments and the DEQ (e.g. a specific venue for continuous discussion).

DEQ Perspective:

In the past, direct on-going discussions with local health departments have occurred at the district level. The interest in, and effectiveness of, these discussions have varied throughout the state. The Implementation Plan should address the need to consider this issue at the district level.

- 7 DEQ should participate on a list serve (potentially organized through Michigan Association for Local Public Health) for reaction to, discussion about, and comment on proposed legislation and policy.

DEQ Perspective:

The DEQ promotes involvement by interested parties in its decision-making, rule making and policy procedures. This has occurred through the establishment of stakeholder work groups. See the Implementation Plan for how each division will further their involvement in these areas.

- 14 Add regional town meetings to the list of opportunities for citizen involvement.

DEQ Perspective:

DEQ staff have attended such meetings in the past, when relevant and will continue to do so. Future Implementation Plans may discuss expansion of these efforts.

- 19 Supports a coordinated program approach for state/local coordination (not each unit setting up it's own system, but having something centralized to deal with multiple divisions).

DEQ Perspective:

The DEQ agrees. There should be a central point of contact in each district for improving coordination with local governments. The Implementation Plan should address this issue.

- 27 Does the local units of government include tribal governments?

DEQ Perspective:

Yes. This could be clarified in the EAC Recommendations.

- 29 The local units of government are the ones that will use the DEQ as a police puppet to meet their ends.

DEQ Perspective:

In the interest of education as related to importance of timing and venue for comment consideration, the DEQ offers the following: This particular public comment period is dedicated to improving public input opportunities within the DEQ. Therefore, in order to move this particular process forward, DEQ will only consider the comments associated with public input opportunities as part of this specific public input process.

There are other ways to ask the DEQ to consider a complaint or public comment. Specifically, an inquirer can either call their DEQ district office or they can call the DEQ Environmental Assistance Center. The assistance center's toll-free hotline is 1-800-662-9278 and the web address is deq-ead-env-assist@michigan.gov.

Id. # **Comment**

- 36 Consider using the Rouge River Advisory Council as a public forum.

DEQ Perspective:

The DEQ appreciates this offer and will use the Rouge River Advisory Council as a public forum if an appropriate opportunity arises.

- 42 DEQ (regulation implementation) and local (zoning issues) are separate functions; effective public notice procedures should adequately inform the public at large.

DEQ Perspective:

The DEQ agrees that effective public notice procedures should adequately inform the public at large. The Implementation Plan describes how the DEQ intends to improve its notice practices.

- 44 Regional DEQ staff needs to be fully informed, working in unity with leadership in Lansing. Also DEQ should communicate its intended public involvement activities with other state agencies such as MDA, MDOT and MDNR and USEPA.

DEQ Perspective:

Many of the actions described in the Implementation Plan to more effectively involve the public will also improve coordination and communication between Lansing and district staffs. The DEQ will look for opportunities to share our public involvement plans with other agencies.

- 49 Enhance communication with local government by training them on their responsibilities as a regulated community and as an interested participant when issues of interest arise in its community.

DEQ Perspective:

The DEQ agrees that a more informed local government can be a valuable asset in assisting not only citizens but facilities through the environmental process. This is one of the types of training that will be considered as the DEQ implements the EAC's recommendations.

* * *

EAC Recommendation B 7.

“The Internet provides an excellent opportunity to improve public participation. The DEQ should make its web page more user friendly so that people can find the information they need. In addition, the web site should be organized to facilitate public involvement on pending proposals and decisions. The DEQ should provide electronic forms on its website to allow the public to submit comments and observations for DEQ consideration/action.”

Id. # Comment

- 12 The DEQ is a head and shoulders above most other states in encouraging knowledge and awareness with vehicles like the list-server, calendar and website.

DEQ Perspective:

Thank you for your comment.

Id. # Comment

- 22 DEQ needs to update their website to make it easier to find information. Creating electronic forms for people to note their observations is a simple yet effective tool that will increase public participation and involvement in decision-making.

- 23 The recommendations look good -- I especially like the "make the DEQ website more user-friendly" and "provide forms on the website to allow the public to submit comments."

DEQ Perspective (previous 2 comments):

We agree that improvements can be made to the DEQ website. A team of DEQ and Department of Information Technology staff has been created to improve the DEQ's website and to make it more effective for use by the public. In a number of divisions, electronic forms have been developed and are available for use. The specific suggestion to use more will be forwarded to the team. Further expansion of this will be considered. Please refer to the Implementation Plan for more details.

- 28 Let people know about important meetings. Make use of your website and publicize it.

DEQ Perspective:

The DEQ agrees that the website can be more effectively used to inform the public of DEQ activities such as meetings. See the Implementation Plan for details.

- 15 Website needs work. Suggest a "What's New" page for each Division that lists by date all new postings and updates including the date they were posted.

- 15 Establish an electronic bulletin board with email sign-up lists for each issue on the Docket. Assign a staff person to be in charge of each issue. This will allow for documented, on-going inquiries, responses and Q&A, and issue discussion.

- 31 I believe that all "open" wetland construction tasks and annual monitoring reports should be listed on the web, so that citizens can monitor progress.

- 31 Suggests greater use of the website for citizen involvement like the CSO/SSO discharge website that provides good citizen information. It allows tracking of progress made by communities resolving long term problems. Politicians fear an informed public.
- 44 Post key policy and regulatory proposals as well as project proposals by the regulated entities.

DEQ Perspective (previous 5 comments):

A team of DEQ and Department of Information Technology staff has been created to improve the DEQ's website and to make it more effective for use by the public. The specific suggestions made in these comments will be forwarded to the team.

- 1 Website is difficult to navigate and browse.
- 17 Organize the website for more efficient and effective public involvement.
- 24 Pleased with the layout of michigan.gov but it is difficult to find specific program information. It sure made a lot more sense when things were organized by division! Has heard similar complaints from DEQ's own staff.

Id. # Comment

- 49 A well-designed website is a good thing.
- 55 Happy to hear that one of the recommendations is to make the website more user friendly. Our site has useful information but is difficult to navigate.
- 43 Improving the website capabilities would be beneficial.

DEQ Perspective (previous 6 comments):

The DEQ agrees. A team of DEQ and Department of Information Technology staff has been created to improve the DEQ's website and to make it more effective for use by the public.

* * *

EAC Recommendation B 8.

“To further facilitate public understanding and involvement, the DEQ should expand and improve current programs that assist citizens to navigate the DEQ decision-making process. While all DEQ employees have this responsibility to some extent, and should be responsive to citizens needing assistance, the DEQ should consider formalizing a citizen assistance function in some identifiable manner. This could be analogous to the small business assistance function.”

Id. # Comment

- 10 For controversial decisions can there be a budget for the public to hire a 3rd party consultant?

DEQ Perspective:

This suggestion has been made in the past, but there are significant public policy questions involved in addition to the question of funding. For example, how would the DEQ choose between competing interests if more than one group sought the funds? The DEQ does not support this concept.

- 42 Does the DEQ still have a Permit Coordinator? This function may already exist. This function should be provided by the private sector, not the DEQ.

DEQ Perspective:

The DEQ no longer has a permit coordinator per se; the position was lost with the early retirement process in 2001. However, some of the permit coordinator functions are being implemented by staff in the Compliance Assistance Unit of ESSD (e.g. the DEQ Permit and Licensing Requirements Guidebook was updated in September 2003; www.deq.state.mi.us/documents/deq-ess-permits-permitguidebook.pdf). The EAC Recommendation is aimed more at assisting the public rather than the permit applicant. Currently, there is no clear source of assistance for these individuals. The Implementation Plan will describe how the DEQ plans to respond to this Recommendation.

- 44 Due to fiscal constraints, avoid system-wide initiatives to expand or improve programs. Focus on existing public involvement activities that are proving to be highly successful (e.g. the C3 Program).

DEQ Perspective:

Fiscal constraints play a key role in deciding what actions will be taken to implement the recommendations. Please refer to the Implementation Plan for details.

Id. # **Comment**

- 48 Establish a 1-800 phone number specifically for public questions.

DEQ Perspective:

A DEQ Environmental Assistance Center toll-free number (1-800-662-9278) is in place. The Geologic and Land Management Division has a Technical Assistance Number 517-241-1517; it has had very few incoming calls.

- 48 Appoint a public ombudsperson to answer citizen questions.

DEQ Perspective:

The DEQ has a division whose primary function is assistance. The Environmental Science and Services Division offers a number of outreach services targeted at a varying audiences. The Implementation Plan will discuss additional actions to provide information to citizens.

* * *

EAC Recommendation B 9.

“The DEQ should ensure that all segments of the public have fair and appropriate access to decision-makers within the DEQ and that no member of the public is favored over another.”

Id. # **Comment**

- 1 DEQ decisions must follow law, not emotion; we have a system to change flawed laws. Politicians or special interests should not be allowed to unduly influence decisions that impact the general public.

DEQ Perspective:

As an administrative agency, the DEQ agrees that our decisions must follow the law in a balanced way to address the needs of all of our stakeholders. The public is one of our stakeholders. The Department looks forward to the final recommendations of the EAC and taking actions defined in the Implementation Plan to achieve this result.

- 2 Proposes industry specific advisory groups (i.e., a Recreational Boating Advisory Group) with semi-annual or more frequent meetings.

DEQ Perspective:

The DEQ currently uses advisory groups in many contexts. These groups meet either regularly (e.g., Michigan Turfgrass Environmental Stewardship Program Steering Committee meets biannually) or as necessary when specific issues arise (e.g., for the development of administrative rules packages). Individuals or organizations that see a need for an advisory group for a specific program or activity, should contact the affected division.

- 2 All interested parties should have an opportunity to voice concerns on projects. Often only the most vocal supporters or opponents are heard; others are not heard when they do not know about the opportunity for comment or the process is too complicated.

DEQ Perspective:

The DEQ agrees with the comment. The Implementation Plan identifies specific actions to address this concern.

Id. # **Comment**

- 4 County public works officials and DEQ enforcement officials have taken a series of major wastewater actions without meaningful public involvement resulting in serious planning problems (from Olivet).

DEQ Perspective:

The DEQ believes that all participants in the public involvement process should be treated fairly and have appropriate access. The DEQ recognizes that public perception is an important issue and has referred specific instances of problems in the public participation process to the involved Division.

- 9 Suggested the EAC establish a sub-committee consisting of architects and building contractors, those who design and build in the critical dunes and also have experience addressing local zoning concerns.

DEQ Perspective:

The DEQ uses advisory groups in a number of ways, and will continue to do so. This specific suggestion will be reviewed by the appropriate Division.

- 29 Clean up the DEQ, do not let DEQ work for special interest as a police force in matters over private land. EAC needs to not let DEQ be a police puppet.

DEQ Perspective:

This particular public comment period is dedicated to improving public input opportunities within the DEQ. Therefore, in order to move this particular process forward, DEQ will only consider the comments associated with public input opportunities as part of this specific public input process.

There are other ways to ask the DEQ to consider a complaint or public comment. Specifically, an inquirer can either call their DEQ district office or they can call the DEQ Environmental Assistance Center. The assistance center's toll-free hotline is 1-800-662-9278 and the web address is deq-ead-env-assist@michigan.gov.

- 30 Concludes that since he has had multimedia disagreements related to various permits (air, water, wetlands) that DEQ is in the hip-pocket of its industrial constituents. DEQ takes advantage of the cost and difficulty that a citizen must endure to appeal.

DEQ Perspective:

The DEQ believes it makes appropriate decisions as required by law and as based on the facts of particular cases. The DEQ strives to ensure that no special consideration is given to any group. The Implantation Plan is designed to that end.

- 42 The permit process should have specific and limited time frames for each stage of the review. Permit engineer should serve as the project manager ensuring timeframes are met. The project manager and daily progress of the permit shall be available to all.

DEQ Perspective:

Some DEQ permit programs already have permit status available online. However, for many programs there are too many variables to establish specific time frames for segments of the review process. The DEQ is reviewing its permit processes in an attempt to make them more timely, but does not support this comment.

Id. # **Comment**

- 44 Suggest the EAC add a recommendation that states "It is critical that DEQ staff maintain their objectivity when presented with overwhelming emotional public input directed at either the agency or against a proposed decision."

DEQ Perspective:

The DEQ believes it is important to maintain a professional demeanor, and objectivity, when interacting with all members of the public in all circumstances. However, we do not believe a specific recommendation as suggested as appropriate.

- 44 The Department's processing of input from the public must remain objective.

DEQ Perspective:

The DEQ agrees.

- 47 DEQ staff should be accepting input on what questions they should ask, not just how the questions they have thought up should be answered. A scoping process for rule making would allow public input into how to begin considering issues.

DEQ Perspective:

The DEQ typically begins a process to amend administrative rules through an advisory body comprised of affected interests. This advisory body has the ability to suggest issues

that should be included in the rule making process. In addition, any citizen has the right to address suggestions for rule changes to the DEQ.

- 48 Woodland Ridge Public Hearing – Speaker was not given 3 minutes to talk. Equipment failed. Audience disapproval allowed commenter to finish; showed arrogant, unfair treatment at a public hearing and disdain for citizen involvement.

DEQ Perspective:

The DEQ recognizes that all participants in the public involvement process must be treated fairly. The specific instance has been referred to the involved Division for appropriate follow-up.

- 48 Woodland Ridge Development sewage lagoon permit – Inappropriate “hugging” between DEQ staff and the developer at the public hearing left over 500-plus citizens with the impression that there was an inside friendship unduly influencing the decision.

DEQ Perspective:

The DEQ recognizes that public perception is an important issue. The specific instance was investigated by the DEQ. While staff shook hands with the developer, he did not “hug” the developer. The staff who was mentioned in the comment defines his relationship with both the commenter and the developer as professional; he specifically stated that he has much respect for both of them. The manager of the staff (also at the meeting) wonders whether the commenter confused DEQ staff with one of the colleagues of the developer.

- 48 Woodland Ridge Development – Request made to the Water Division to obtain a copy of a groundwater monitoring plan and a hydro geological review summary. This request was never responded to even though requestor stated a willingness to reimburse the cost.

DEQ Perspective:

The DEQ recognizes that all participants in the public involvement process must be treated fairly and requests responded to promptly. The DEQ investigated this complaint and found no record of a request for this information. The program will forward the requested information pursuant to this request.

Id. # **Comment**

- 48 Wetland filling at a Huron River marina - Letter by DEQ written re: damaging effects of project. At a township meeting, staff sat with developer, stated no problems and left meeting; perception that staff had been unduly influenced by the developer.

DEQ Perspective:

The DEQ recognizes that public perception is an important issue. The specific instance has been referred to the involved Division for appropriate follow-up.

- 48 Thompson-McCully Asphalt Plant, Whitmore Lake – Concern that notice put into wrong paper. Claim it took stacks of complaints before DEQ would act. Citizens perceived the DEQ was politically influenced.

DEQ Perspective:

The DEQ recognizes that public perception is an important issue. The specific instance has been referred to the involved Division for appropriate follow-up.

- 49 It is important to know who the decision maker is. Transparency requires knowing who is on the team as all members of the team will have an influence on the decision-making process.

DEQ Perspective:

The DEQ agrees. Notices in the Department Calendar of pending decisions designate who the decision-maker is. DEQ staff should also always respond to inquiries about who is responsible for what aspects of a decision when asked.

* * *

EAC Recommendation B 10.

“The DEQ should inform concerned members of the public of the findings and rationale behind decisions. The nature of how this information is provided can be tailored to the nature of the decision, and the number and identity of concerned parties.”

Id. # Comment

- 6 Staff of DEQ are employees of the public and need to be accountable to the stakeholders.

DEQ Perspective:

The DEQ agrees that the staff should be accountable for its actions. This entails using sound professional judgment and being able to explain the factual basis and rationale underlying decisions. The Implementation Plan will contain specific details in support of this recommendation.

- 14 Make sure the criteria for decision-making are clear to the public.

DEQ Perspective:

The DEQ agrees with the comment. The Implementation Plan will contain details on how clarity will be enhanced within specific programs.

Id. # Comment

- 40 Identify in the document with whom participatory accountability resides and what will happen in instances when your participatory goals/objectives have not been met.

DEQ Perspective:

The DEQ recognizes that these comments, while supportive of the EAC's recommendations as a whole, suggest the need to address issues underlying those recommendations. Accordingly, the DEQ recommends that the EAC finalize its current recommendations with a view to consideration of these comments at a later date. This will allow the EAC and the DEQ to proceed with current improvements in public involvement while preserving the ability for an in-depth discussion and consideration of these fundamental issues raised by this commenter.

- 42 Providing more rationale behind DEQ decisions will create a new administrative burden (especially if modeled after the Federal Register) and slow the administrative process.

DEQ Perspective:

The DEQ agrees that creating new types of documentation could slow the decision-making process. However, for some types of decisions, such documentation would be appropriate. The Implementation Plan will describe how the DEQ intends to strike this balance.

- 47 The clear identification of the decision maker is an important component of the draft, but now where does the discussion address the need to assure the decision maker is actually expected to be exposed to the full input from the public.

DEQ Perspective:

The DEQ makes every effort to expose the decision-maker to all available information, including public comment received. It should be recognized, however, that decision-makers cannot personally witness or review each public comment. Some summary and synthesis, such as this document, is necessary to allow efficient decision-making.

- 47 The document discusses the importance of explaining the rationale for a decision but the obligation to respond to all issues raised would assure the public that substantive comments are in fact considered appropriately.

DEQ Perspective:

The DEQ often provides responsiveness summaries for various decisions, including permit and administrative rule decisions. However, for some types of decisions this is not feasible given the number of decisions that need to be made. Nonetheless, the basis for any decision by the DEQ should be contained in the administrative record pertaining to that decision. These administrative records are subject to the FOIA and are available upon request.

- 49 A strength of Michigan's system is that the DEQ decides issues on a case-by-case or site-specific basis; weakness is inconsistency and rule bending. A well-crafted document explaining the decision can overcome these weaknesses.

DEQ Perspective:

The DEQ attempts to make all decisions based on the law and facts before it. In doing so, we strive for principled decision-making and consistency. We agree that a written explanation of the basis for a decision would assist in meeting these interests and often provide such documents in significant or controversial cases.

Id. # **Comment**

- 49 Problems arise when DEQ refuses to admit its own limitation, and when the public does not understand that such limitations exist and that people are doing their best with the knowledge and tools at hand.

DEQ Perspective:

DEQ staff are trained and experienced in their areas of expertise. However, the commenter is correct in noting that sometimes there is a difference between what the DEQ can do (both legally and practically) and what the public hopes for or expects. Additional training

for staff in how to convey limitations on DEQ actions is one of the types of training that will be considered as the DEQ implements the EAC's recommendations.

- 53 I have often felt that my unit takes the brunt of criticisms for delays in our cases, the real decisions, and the delay is often out of our hands.

DEQ Perspective:

The DEQ is a regulatory agency made up of many teams and if the agency is criticized for delay, then it reflects upon the whole agency (not just one unit). If staff believe that delays are associated with their programs, it would be beneficial to discuss the issue with their managers to help find ways to improve the decision-making process.

This aspect is strongly associated with the cultural considerations in the EAC Recommendations and should be part of the cultural training for DEQ staff. See the Implementation Plan for actions addressing this comment.

- 53 Districts have some power to make some front line decisions, but the Division Chief and Assistant Division Chief make the rest of the decisions. At the DC level it is not a crystal clear process, at least not in my experience.

DEQ Perspective:

The cultural training recommended by the EAC along with individual program actions in the Implementation Plan should help provide some clarity to the decision-making process for the public as well as internal staff. See the Implementation Plan for details related to staff training, especially as related to gaining communication skills.

- 58 Consistent with state law, the public should have access to information and the evaluation of information involved in the decision. The information should be reduced to lay person technical format as much as possible.

DEQ Perspective:

The DEQ agrees with the recommendation, and believes it better fits under B5: DEQ information that is developed for the public should minimize technical complexity and maximize understanding of environmental, public health and quality of life issues.

EAC Recommendation B 11.

“The DEQ should develop and implement a process for notifying the public of contested cases and proposed settlements in contested case proceedings.”

Id. # Comment

- 17 Use the web to notify the public of contested cases and proposed settlements.

DEQ Perspective:

The DEQ agrees. The Implementation Plan will discuss address a variety of ways to improve public involvement related to the contested case process.

- 30 When you go to an appeals board, it means that someone is seriously trying to bamboozle somebody else. It means communication has broke down and untruths are being promulgated on one side of the fence or the other.

DEQ Perspective:

DEQ believes that appeal procedures exist for resolution of significant unresolved issues. As such, there need to be fair and balanced opportunities to pursue issue appeals.

The DEQ is identifying actions that can help simplify or clarify the appeal processes for the public (including contested case hearings). Resulting actions will be detailed in the Implementation Plan.

- 42 Contested case hearing information is already public information.

DEQ Perspective:

While contested case hearing information is public, it can be difficult to access. In addition, there may be certain types of information that is not available until after the fact. The DEQ agrees that the public should be better informed about contested case proceedings and the Implementation Plan will describe the improvements we believe are necessary and appropriate.

- 53 What is the point of public noticing and public hearings for decisions of contested case hearings?

DEQ Perspective:

The EAC expressed a concern that settlements in contested case proceedings could end in a result contrary to a decision initially made by the DEQ. Given the public's interest in the initial and final decisions, Recommendation B.11 asks the DEQ to address this issue. The Recommendation does not suggest public hearings on proposed contested case settlements. The Implementation Plan will describe how the DEQ will address this Recommendation.

Comments Related to Implementation of EAC Recommendations

Id. # Comment

- 24 Most effective way to develop Implementation Plan would be to have working committees that focus on major topics (e.g. joint Corps/DEQ permit applications; LUST facilities; BEAs; grant and loan funding; brownfield redevelopment).

DEQ Perspective:

The Implementation Plan is already being developed by the DEQ based upon EAC Recommendations. The plan will be initially reviewed by the EAC and the DEQ will then report on progress every six months. The EAC will have an opportunity to adjust its recommendations based on these periodic reviews. This iterative process was developed specifically to bring multiple perspectives into development of the Implementation Plan. There may be opportunity for refinement of these DEQ activities (by individual programs) as this process unfolds.

- 24 Need to define in detail how these good ideas will be implemented (e.g. "When a joint Corps/DEQ permit application is submitted, an e-mail will be sent to the applicant" (or preparer)). The permit status will be available at (DEQ web address).

DEQ Perspective:

The DEQ is developing a plan, which will be shared with the EAC, to describe how the recommendations will be implement.

- 33 The EAC's Draft Recommendations are so insightful and well thought out that I see only the questions of "who" and "how" to help. The Rouge River Advisory Council and its SWAGS could be helpful in implementation.

DEQ Perspective:

The DEQ appreciates this comment and will contact the Rouge River Advisory Council for assistance if needed.

- 21 Why isn't this a rule-making?

DEQ Perspective:

As recommendations from an advisory body, the EAC's actions do not constitute a "rule" requiring use of formal rule-making procedures. The Implementation Plan will identify If rulemaking is identified as necessary to implement recommendations in the context of specific programs.

- 42 Changes proposed to implement EAC Recommendations require rule promulgation.

DEQ Perspective:

The DEQ believes that the vast majority of actions to implement the EAC's recommendations can be done without promulgating administrative rules. Those actions that will require rule promulgation will be identified in the Implementation Plan.

Id. # **Comment**

- 42 DEQ reaction to EAC Recommendations must be consistent with existing administrative rules. Actions taken through Op Memos run the risk of violating the Administrative Procedures Act.

DEQ Perspective:

As an administrative agency, the DEQ is entrusted with administering the laws assigned to us by the Legislature. Implementation of the laws in accordance with the legal mandate provides the maximum amount of accountability to the people of the state of Michigan. Operational memoranda (Op Memos) serve as technical guidance and information to staff. They are not promulgated as a statute or a rule, they are only advisory. Any actions that are identified in the Implementation Plan which would require rule changes will be identified as such.

- 40 Recommends that EAC/DEQ review "Improving the Practice" insert to the quarterly newsletter of the International Association for Public Participation (www.iap2.org).

DEQ Perspective:

The DEQ will review this resource as part of its on-going efforts to improve public involvement.

- 53 What was the Division Chief's initial reaction to these proposals?

DEQ Perspective:

The EAC consulted with the DEQ Division Chiefs in developing the recommendations. The Division Chiefs recognize the opportunity to expand upon or express specific concerns with the EAC's recommendations in the context of the DEQ Implementation Plan.